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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,249	07/15/2003	Ofir Zohar	ASSIA 20.503	8864
26304	7590	02/07/2007	EXAMINER	
KATTEN MUCHIN ROSENMAN LLP 575 MADISON AVENUE NEW YORK, NY 10022-2585			PEUGH, BRIAN R	
		ART UNIT	PAPER NUMBER	
			2187	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/620,249	ZOHAR ET AL.	
	<b>Examiner</b> Brian R. Peugh	<b>Art Unit</b> 2187	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 20 November 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-65 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-65 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                        | Paper No(s)/Mail Date. _____.                                     |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|   | 6) <input type="checkbox"/> Other: _____.                         |

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## DETAILED ACTION

### ***Response to Amendment***

This Office Action is in response to applicant's communication filed November 20, 2006 in response to PTO Office Action dated October 23, 2006. The applicant's remarks and amendment to the specification and/or claims were considered with the results that follow.

Claims 1-65 have been presented for examination in this application. In response to the last Office Action, claims 1, 11, 17, 27, 33, 43, 48, and 58 have been amended.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-65 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claims 1, 17, 33, and 48, the claims recite the limitation "... all of the second ranges of LBAs comprising a total LBA range" and "...wherein each interim-fast-access-time nodes is configured to be reassignable to a further second range of the LBAs, all of the further second ranges of LBAs comprising the total LBA range". The Examiner is unclear whether the total LBA range is meant to be further comprised of the "further second ranges of LBAs". As it stands, the claim recites that "all of the second ranges of LBAs comprising a total LBA range", and then recites that the total LBA range is comprised of the "further second ranges of LBAs". Applicants arguments appear to indicate that all of the second ranges are found within "the total LBA range", however the Examiner has been unable to locate this teaching in the Specification. It is unclear to the Examiner whether the "further second range of the LBAs" is a subset of "all of the second ranges of LBAs", whether the "further second range of the LBAs" is a subset or comprises "the total LBA range", or whether another interpretation is correct. The Specification is silent on the use of "further" second ranges.

Claims 11, 27, 43, and 58 each recite "all of the first ranges of LBAs comprising a total LBA range" and "all of the second ranges of LBAs comprising the total LBA range". The Examiner has been unable to locate in the Specification support for the "total LBA range", as well as for the "total LBA range" comprising the "first ranges of LBAs", "second ranges of LBAs". The Specification does not appear to teach the correlation between the first range of LBAs and the second range of LBAs, as is required by the claim limitations.

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All dependent claims depend upon a previously rejected parent claim, and are thus rejected for the same reasons of the parent claims.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-65 have been considered but are moot in view of the new ground(s) of rejection.

Applicant has argued on pages 21 that,

Applicants have amended independent claims 1, 17, 33, and 48 to indicate that all of the second ranges of LBAs comprise a total LBA range, and all of the further second ranges of LBAs comprise the same total LBA range. It is respectfully submitted that the amendment to these claims clarifies that the reassignment of the interim-fast-access-time nodes to a further second range of LBAs from a second range of LBAs indicates a change in the ranges, and not a change in the total set of LBAs. In this manner, the rebalancing of the present invention is achieved. It is respectfully submitted that this feature is discussed in the specification and it is therefore requested that the rejection of these claims be withdrawn. (emphasis added)

Applicant's have indicated that the claim amendments are discussed in the Specification but have failed to indicate any locations where the teachings may be found.

Paragraph [0056] indicates that that "...Manager 54 may subsequently **reassign** the ranges during operation of system, and an example of steps to be taken in the event of a node change is described below with reference to FIG. 5" (emphasis added). Although the paragraph recites reassigning LBA ranges, the paragraph fails to recite teaching the use of 'second ranges of LBAs' as well as 'further second ranges of LBAs' as being reassignable.

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The Applicant also indicates that the description of paragraph [0085] teaches that,

It is apparent that the specification as originally filed discloses the features of "wherein the interim-fast-access-time nodes are configured to be reassignable to a further second range of the LBAs." The present amendments clarify that the further second range to which the interim-fast-access-time nodes are reassigned are ranges within the same total set of LBAs to which the interim-fast-access-time nodes were previously assigned via the second ranges. Therefore, it is respectfully requested that the rejections be withdrawn.

The Examiner disagrees that the present amendments clarify that further second ranges are ranges within the same total set of LBAs that were previously assigned. The Examiner is unaware of any claim language that corresponds the second ranges with the further second ranges. Paragraph [0085], to which the Applicant recites as teaching the reassignment, only broadly recites a redistribution step (124). Applicant's cited Specification portion does not clearly recite and teach the use of second ranges, further second ranges, and their correspondence to a total LBA range. The reassignment and redistribution of LBA sets is most descriptively found in paragraphs [0056] and [0085]. Applicants Specification recites many instances of language directed towards the second ranges in the Summary of the Invention, however Applicants Summary of the Invention and Detailed Description fails to teach the correspondence of all of the second ranges of the LBAs with further the further second ranges of the LBAs, as well as the second and further second ranges as each separately or together comprising the total LBA range (see also 112, 1<sup>st</sup> paragraph rejection, disclosed supra).

If the Applicant has intended for LBA ranges to correspond to each other, the Examiner encourages the Applicant to include language such as 'mapping', or the like,

in order to convey that the LBA ranges all point to the same addressing system, in accordance with Applicant's Specification.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian R. Peugh whose telephone number is (571) 272-4199. The examiner can normally be reached on Monday-Thursday from 7:00am to 4:30pm. The examiner can also be reached on alternate Friday's from 7:00am to 4:30pm.

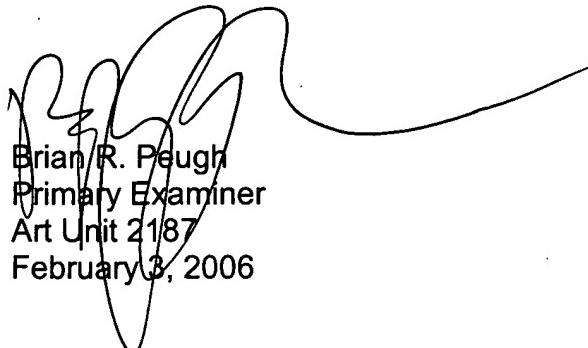
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Sparks, can be reached on (571) 272-4201. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Brian R. Peugh  
Primary Examiner  
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February 3, 2006